

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

JUSTIN ANDERSON

PETITIONER

v.

No. 5:12-cv-279-DPM

**WENDY KELLEY, Director,
Arkansas Department of Correction**

RESPONDENT

ORDER

1. A five-day evidentiary hearing is scheduled in February on Anderson's allegations of mental illness, brain damage, and childhood trauma. The Court denied the remainder of Anderson's hearing request. *No 31 & 43.*

2. The Court has reconsidered on Anderson's procedurally defaulted ineffectiveness claims arising from the alleged neurobiological limitations of young people. Anderson pleads that his trial lawyers' work was deficient for not adequately developing his youth-related allegations. These claims are potentially meritorious, particularly when combined with Anderson's allegations of mental illness, brain damage, and childhood trauma. Anderson may therefore present evidence on them at the hearing. *Sasser v. Hobbs*, 735 F.3d 833, 851 (8th Cir. 2013); *Dansby v. Hobbs*, 766 F.3d 809, 834 (8th Cir. 2014).

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

18 November 2015